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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Stanley F. Barnett et al.

Serial No. 10/510,068

Filed: October 4, 2004

For: METHOD OF TREATING CANCER

Art Unit: To be determinedExaminer: To be determined

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

BEST AVAILABLE COPY**MERCK & CO., INC.**By Stephanie R. Richards Date 12-16-04

INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☒ the attached information is filed within three months of the filing date of the captioned case.
- ☐ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: Matthew A. Leff

Attorney _____ For Applicant(s)

Reg. No. 50,149

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732)594- 1404

Date: December 16, 2004

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STATEMENT BY APPLICANT

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Sheet

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of

7

Application Number

10/510.068

Filing Date

October 4, 2004

First Named Inventor

Stanley F. Barnett

Group Art Unit

To be determined

Examiner Name

To be determined

Attorney Docket Number

21075YP

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
		PCT	WO 99/42463		Warner-Lambert Company	08/26/1999
		PCT	WO 00/31291		Pharmacia & Upjohn AB	06/02/2000
		EP	0 397 859		Terumo Kabushiki Kaisha	11/22/1990
		IN	166761		Hoechst India Ltd.	04/20/1988
		JP	200309578A		Kyowa Hakko Kogyo Co., Ltd.	11/07/2000
		PCT	WO 99/37648		Merck Sharp & Dohme Ltd.	07/29/1999
		PCT	WO 00/47582		Merck Sharp & Dohme Ltd.	08/17/2000
		PCT	WO 03/010281		Peptor Ltd.	02/06/2003
		PCT	WO 98/04559		Merck Sharp & Dohme Ltd.	02/05/1998
		PCT	WO 99/37645		Merck Sharp & Dohme Ltd.	07/29/1999

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Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
		PCT	WO 02/083139		Merck & Co., Inc.	10/24/2002
		PCT	WO 02/083138		Merck & Co., Inc.	10/24/2002
		PCT	WO 03/051366		Abbott Laboratories	06/26/2003
		PCT	WO 02/22610		Vertex Pharmaceuticals Inc.	03/21/2002
		PCT	WO 02/50065		Vertex Pharmacueticals Inc.	06/27/2002

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			First Named Inventor	Stanley F. Barnett	
			Group Art Unit	To be determined	
			Examiner Name	To be determined	
Sheet	4	of	7	Attorney Docket Number	21075YP

NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
		Gerlicz et al., Roczn. Chem., 51:1087-1093 (1977).
		Kraska et al., Pol. J. Chem., 52(9):1665-1674 (1978).
		Akutsu et al., Polym. Commun., 30(6):182-183 (1989).
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		Mischel and Cloughesy, Brain Pathol., 13(1):52-61 (2003).
		*Wang et al., Gaofenzi Tongzun, 4:300-304 (1984).
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		McKernan et al., Nature Neuroscience, 3(6):587-592 (2000).
		Collins et al., Tetrahedron Letters, 41:781-784 (2000).

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Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
		Yamada and Araki, J. Cell Science, 114:2375-2382 (2001).
		Kauffmann-Zeh et al., Nature, 385:544-548 (1997).
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		Rak et al., Cancer Research, 55:4575-4580 (1995).
		Guldborg et al., Cancer Research, 57:3660-3663 (1997).

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		Risinger et al., Cancer Research, 57:4736-4738 (1997).
		Franke et al., Cell, 81:727-736 (1995).
		Franke et al., Cell, 88:435-437 (1997).
		Stambolic et al., Cell, 95:29-39 (1998).
		Downward, Science, 279:673-674 (1998).
		Beresford et al., J. of Interferon and Cytokine Research, 21:313-322 (2001).
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		Liaw et al., Nature Genetics, 16:64-67 (1997).
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		Williams et al., Curr. Biol., 10:439-448 (2000).
		Downward, Curr. Opin. Cell Biol., 10:262-267 (1998).

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Vanhaesebroeck et al., *Biochem. J.* 346: 561-576 (2000).

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